

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

THURSDAY ~ AUGUST 23, 2012 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Pastor Ladd Hurst of The Sanctuary, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present.

Mayor Sanders inquired if any Board member had any item of business to present that was not already on the agenda.

Merry, seconded by Catsavis, moved to place an item on the agenda to consider fully-automated, citywide sanitation service. Prior to the vote, Director Good requested clarification that the motion is for citywide, fully-automated sanitation collection with no stipulations.

Director Merry confirmed such and stated that after further clarifications of the Troubleshooter Program, residents have indicated such will address their concerns; therefore, he conveyed assurance the item is solely to move forward with fully-automated, citywide sanitation service.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried; therefore, he announced the item will be placed on the agenda immediately following consideration of the consent agenda (Item No. 3).

The minutes of the August 7, 2012 regular meeting were presented for approval. Catsavis, seconded by Settle, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

August 23, 2012 Regular Meeting

Mayor Sanders announced this was the time and place set for a public hearing to close, vacate and abandon a portion of South Houston Street, located in Vantage View Addition. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 1).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the petition of Joshua T. Carson, agent for Duncan and Ruth McRae, John and Judy Remer, and the Samuel R. Ludington Jr. Revocable Living Trust. The purpose of the proposed abandonment is to facilitate Mr. and Mrs. McRae's proposed construction of a residence on Lot 8 in Vantage View Addition. All property owners within 300 feet of the subject area, appropriate city departments and franchise utilities have been notified of the proposed right-of-way abandonment with no objections conveyed; however, AT&T and OG&E requires a 10 ft. utility easement across the proposed abandoned right-of-way whereby the required easement has already been executed. If the right-of-way abandonment is approved, the Remer's and Ludington's also have agreed to grant the McRae's a permanent access easement for the driveway and said agreement has also been executed. In keeping with the Board's policy, a memorandum of understanding has been signed by the petitioners that stipulates the property owners or their assigns will not make any claim for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way.

There being no individual to address the Board, Mayor Sanders closed the public hearing.

Weber, seconded by Hutchings, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by

August 23, 2012 Regular Meeting

caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Good, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 60-12.

The Consent Agenda (Item No. 2) was introduced for consideration, the items being as follows:

- A. Resolution granting a temporary revocable license for the placement of subdivision entry gate posts, brick columns, fencing, landscaping and associated irrigation system within water line, gas line, drainage, sanitary sewer and utility easements, and authorizing the Mayor to execute agreement
- B. Resolution authorizing an amendment to the engineering services agreement for the design of the Towson Avenue Streetscape Improvements, Project No. 12-90-A (\$12,000.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution accepting bids for the purchase of water and wastewater chemicals for 2012-2013 (*Annual bid*)
- D. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the Neighborhood Water System Improvements - Jack Freeze Service Area (\$115,254.57 / *Utility Department / Budgeted - 2008 Revenue Bonds*)
- E. Resolution authorizing acquisition of real property interests for the Basin 11-1 Collection System Improvements (MC02) (\$300.00 / *Utility Department / Budgeted - 2012 Sales Tax Bond*)
- F. Resolution authorizing the Mayor to execute Authorization No. 2 with RJN Group, Inc. for engineering services for the Basin 11-1 Collection System Improvements (MC02) (\$106,099.00 / *Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with T-G Excavating, Inc. for the Basin 11-1 Collection System Improvements (MC02) (\$2,044,444.00 / *Utility Department / Budgeted - 2012 Sales Tax Bonds*)

August 23, 2012 Regular Meeting

- H. Resolution authorizing Change Order No. 2 with Forsgren, Inc. for the Sunnymede Basin and Ramsey Tributary Improvements (\$205,562.00 / *Utilities Department / Not Budgeted - expenses to be reimbursed by Old Dominion \$160,000.00 - 2008 Revenue Bonds \$45,562.00*)

Weber, seconded by Settle, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-184-12 through R-191-12 respectively.

Item No. 3 was consideration of fully-automated, citywide sanitation service, which was added to the agenda by unanimous vote of the Board.

Merry, seconded by Catsavis, moved to return to fully-automated, citywide sanitation service. Prior to the vote, Director Settle noted the filing of an initiative petition to place the proposed matter on the general election ballot. The City Clerk determined the initiative petition to be insufficient today; however, the petitioner has ten (10) days to submit the necessary amendments. If such is accomplished and the matter is placed on the general election ballot, he questioned if approval of the offered motion will have any effect on the ballot initiative. If the initiative is approved by the people, he requested confirmation that the ballot initiative would overrule any action taken by the Board.

City Attorney Jerry Canfield advised he foresees no legal effect to the submitted initiative petition; however, he will research the matter and advise. With regard to which action supercedes, the vote of the people would overrule any action by the Board and any amendment to the initiated act would then require two-thirds (2/3) vote by the Board of Directors.

Due to the continual opposition, staff time and money expended on the issue, Director Hutchings simply questioned, "why now?"

Director Merry advised the residents previously opposed to fully-automated

August 23, 2012 Regular Meeting

sanitation service have realized the Troubleshooter Program will address their concerns. Compromises have been extended, but to no avail; therefore, the residents have indicated their willingness to try fully-automated sanitation service because they feel it's "time to move on."

Director Weber conveyed continued concern with utilizing the automated sanitation trucks on brick streets and preservation of such, and aesthetics of the large automated carts by the streets. She urged the Sanitation Department to take every effort to address the aforementioned concerns.

Director Tyler also stated his constituents have advised they're ready to accept the Troubleshooter Program citing they're also "ready to move on."

The following individual was present to address the Board:

- David Harris
Fort Smith, Arkansas

Re: Simply noted that many residents are "not ready to move on."

Directors Settle and Hutchings questioned if the motion is to adopt the provisions as noted in the initiative petition, whereby the City Clerk requested clarification as well.

City Attorney Jerry Canfield clarified the motion is not to adopt the provision as noted in the initiative petition; however, the motion is sufficient to withdraw any previous action to delay implementation of the fully-automated, citywide sanitation service.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried.

Mayor Sanders opened the Officials Forum with the following comments offered:

- Mayor Sanders

Re: 1. Noted he recently recognized Travis Joiner with

August 23, 2012 Regular Meeting

777 Productions, who produces the broadcast of regular meetings, for receiving a daytime Emmy Award and requested he bring such to the meeting when received. Such has now been received; therefore, he requested Mr. Joiner show all those in attendance. He further noted cameramen Lee Ingram, Jordan Hughes and Zach Melton also received plaques for their participation as well.

2. Conveyed much appreciation to all who attended the "Defending the Defenders" listening session in support of the 188th Fighter Wing, which was held on Tuesday, August 21st, citing over 1,000 were in attendance.

Director Hutchings questioned if any response has been received from members of the 188th, currently serving in Afghanistan.

The Mayor and Administrator Gosack advised it's been reported that they were pleased with the attendance at the listening session and overwhelming show of support for the unit.

► **Director Merry**

- Re:
1. Advised he and Director Weber recently requested an agenda item be placed on the September 11, 2012 study session to discuss transferring enforcement of trash can placement violations from Neighborhood Services to the Sanitation Department; however, due to the action regarding Item No. 3, he and Director Weber requested the item be withdrawn and removed from the September 11, 2012 study session agenda.
 2. Extended congratulations to the Fort Chaffee Redevelopment Authority upon receiving the 2012 Base Redevelopment Project of the Year Award presented by the Association of Defense Communities, an organization representing some 200 communities with significant military presence. The award was based on 2011 developments at Chaffee Crossing.

August 23, 2012 Regular Meeting

The Board convened into executive session at approximately 6:26 p.m. and after reconvening, Mayor Sanders advised no action was taken with regard to the Animal Services Advisory Board and announced the following appointment nomination:

OUTSIDE AGENCY REVIEW PANEL

Melissa Curry

Term expires August 14, 2013

Hutchings, seconded by Catsavis, moved adoption of the appointment nomination. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Catsavis and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:49 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK